IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH.

CR No.2444 of 2007

DATE OF DECISION: 6.8.2007

Surender Kumar Aggarwal ...Petitioner

VERSUS

Mohan Lal Gupta and another ...Respondent

CORAM

HON'BLE MR.JUSTICE PERMOD KOHLI

PRESENT: Mr.Hari Om Attri, Advocate for the petitioner

Permod Kohli,J. (Oral)

This is plaintiff's revision against the order dated 11.4.2007 passed by the Civil Judge (Jr.Division), Hisar asking the plaintiff to pay the court fee on the amount claimed in the suit for recovery.

While dealing with the application filed by the defendants/respondents under Order 7 Rule 11 CPC for rejection of the plaint, the trial court observed that the plaintiff has sought recovery of Rs.50,000/- as compensation and Rs.1.00 lac as damages with interest at the rate of 18% per annum. But the Court fees has not been paid on the amount sought to be recovered. The trial court, however, found that no ground for rejection of plaint is made out and rejected the application of the defendants under Order 7 Rule 11 of the CPC and at the same time directed the petitioner/plaintiff to pay the ad valorem court fee on the amount claimed by him. This order is strictly in accordance with law. The plaintiff is bound to pay court fee on the ascertained amount, particularly, when recovery of that amount is claimed from the defendants. I find no infirmity in the impugned order.

In view of the above, I find no merit in this Revision Petition which is accordingly dismissed.

6.8.2007 **(PERMOD KOHLI)**
MFK **JUDGE**